IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1958 OF 2003

IN

SUMMONS FOR JUDGMENT NO. 255 OF 2002

IN

SUM. SUIT NO. 4225 OF 2001

Shrirang Kulkarni .. Plaintiff

vs.

Sarvodaya Laboratory Ltd., .. Defendant.

Mr. B.R. Vishwakarma for plaintiff.

Mr. V.B. Kanoria for defendant.

CORAM : S.U.KAMDAR, J.

DATE : 28th OCTOBER, 2005.

P.C.

. The present motion is taken out for setting aside the order dated 22.4.2003 and for restoration of Summons for Judgment No. 255 of 2002. The motion is served on the defendant. There is no reply. The matter was on board before me on 26.10.2005 and was adjourned. However, the learned advocate for the defendants states that for the reasons set out in the affidavit in support of the motion, motion be made absolute in terms of prayer

clause (a). Accordingly, motion is made absolute in terms of prayer clause (a). Summons for Judgment NO. 255 of 2002 is directed to be placed on Board on 21.11.2005. The plaintiff is directed to pay cost quantified at Rs. 5000/- to the Maharashtra State Legal Services Authority as a condition precedent. If the cost is not paid, motion to stand dismissed. Motion disposed of accordingly. No order as to costs.